WENDY S. GERBOTH
Attorney At Law
California Bar No. 167687
964 Fifth Avenue, Suite 214
San Diego, California 92101
Telephone: (619) 699-5969
Facsimile: (619) 699-5967
wendysgerboth@hotmail.com

Attorney for Defendant Mark William Rines

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE JANIS L. SAMMARTINO)

UNITED STATES OF AMERICA,	)	Criminal No. 08CR-2341-03-JLS
Plaintiff,	)	
v.	)	
MARC WILLIAM RINES (3),	)	JOINT MOTION FOR MODIFICATION OF TERMS OF PRETRIAL RELEASE TO ALLOW TRAVEL TO MAINE
Defendant.	)	

I.

REQUEST FOR MODIFICATION

IT IS HEREBY REQUESTED by the parties in this case, the defendant Marc William Rines, by and through his attorney, Wendy S. Gerboth, the plaintiff United State of America, by and through Assistant United States Attorney David D. Leshner that the terms of Mr. Rines pretrial release be modified to permit him to travel to the district of Maine for a period of up to 45 days, with dates and travel itinerary to be pre-approved by United States Pretrial Services, Officer Ryan Alejandria. It is further requested the terms of pretrial release be modified to require Mr. Rines to report to a Pretrial

Services Officer in Maine while he is there, at the direction of Officer Alejandria. Defense counsel has spoken with Pretrial Services Officer Ryan Alejandria, and Pretrial Services Officer Lauren Davenport (who is conducting courtesy supervision of Mr. Rines, who resides in Oregon) and neither officer objects to the requested modification.

II.

FACTUAL BACKGROUND

On July 17, 2008 Judge Cathy Ann Bencivengo set conditions of release for Mr. Rines to include a $300,000 personal appearance bond, secured by real property. On July 24, 2008, Judge Bencinvengo held a Nebbia hearing during which Mr. Rines' parents, Nancy and Bill Rines appeared telephonically from Maine. The Court approved the sureties and bond on that day. Also on that date Mr. Rines requested permission to travel to Maine to assist his parents. Mr. Rines father is disabled in a wheel chair, and Mr. Rines usually spends 30-60 days a year in Maine assisting his family in performing maintenance and winterizing several properties owned by his family. The Court did not approve the request on that date, but instead asked the parties and pre-trial services to consult and renew the request once Mr. Rines was on supervision. Mr. Rines was released on July 25, 2008. Tomorrow, August 29, 2008 is his first court date since his release, and by this joint motion he renews his request to be permitted to travel to Maine.

Mr. Rines is being supervised by Pretrial services Officer Ryan Alejandria. However, because Mr. Rines resides in Portland Oregon, Officer Alejandria is being assisted by Pretrial Services Officer Lauren Davenport in Oregon. Defense counsel has confirmed with both Officer Alejandria and Officer Davenport that Pretrial Services does not oppose this motion; Officer Alejandria just requested that a condition be added to require Mr. Rines to report, at his direction, to Pretrial Services in Maine while he is in that district.

Defense counsel has spoken with Mr. Rines father Brian Rines who has confirmed that Mr. Rines will be residing with he and Nancy Rines at the address on file in the bond while Mr. Rines is in Maine.

III.

CONCLUSION

For the foregoing reasons the parties respectfully request that Mr. Rines conditions of pretrial release as set forth above.

Respectfully submitted,

Dated: August 28, 2008

/S/ Wendy S. Gerboth
Wendy S. Gerboth
Attorney for Marc William Rines

Dated: August 28, 2008

/S/ David D. Leshner
David D. Leshner
Attorney for the United States of America

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

(HONORABLE JANIS L. SAMMARTINO)

UNITED STATES OF AMERICA, Plaintiff, v. MARC WILLIAM RINES (3), Defendant.	Criminal No. 08-CR-2431-03-JLS PROOF OF SERVICE

I, WENDY S. GERBOTH, certify:

1. I am over eighteen years of age, a United States citizen, a resident of the County of San Diego, State of California. I am not a party to the above-titled action.

2. My business address is 964 Fifth Avenue, Suite 214, San Diego, California 92101.

3. I caused service of the JOINT MOTION TO MODIFY CONDITIONS **OF PRETRIAL RELEASE TO ALLOW TRAVEL TO MAINE** on the following by electronically filing the foregoing with the Clerk of the District Court by using the ECF System, which electronically notifies the following individuals

David D. Leshner	david.leshner@usdoj.gov
Timothy R. Garrison	timothy_garrison@fd.org,
Stephen W. Peterson	swplaw@sbcglobal.net
David H. Bartick	db@barticklaw.com
Robert A. Garcia	robertim@pacbell.et

I certify under penalty of perjury that the foregoing is true and correct. Executed on August 28, 2008 at San Diego, California.

/s/ Wendy S. Gerboth
WENDY S. GERBOTH